

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Tony Richards and Steve Fitz
Serial No.: 10/568,569
Title: PROXIMITY DETECTING APPARATUS
Filing Date: November 6, 2006
Examiner: Willie J. Daniel Jr.
Art Unit: 2617
Conf. No.: 6482

SUBMISSION VIA EFS WEB

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This paper is responsive to the Office Action mailed on February 5, 2010 in connection with the above-identified Application.

In the Office Action, the IDS is objected to for an error in the publication number "2002/140419". A supplemental IDS is submitted herewith which correctly identifies this publication.

The Office Action also imposed a restriction by requiring that Applicants elect one of Group I (Claims 1-23) and Group II (Claims 24-35).

Applicants elect, without traverse, the claims of Group I, i.e., claims 1-23. Applicants expressly reserve the right to pursue claims of at least the scope of the non-elected claims (i.e., claims 24-35) in one or more related Applications.

Although the election herein is made without traverse, it is pointed out that the statement in the Office Action that the two groups are not disclosed as

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capable of use together is incorrect, as can be gleaned from the first paragraph of the Detailed Description for example.

An early and favorable communication is hereby earnestly requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is requested to call the Applicants Representative collect at (508) 616-2900, in Westborough, Massachusetts.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this Response, including an extension fee, please charge any deficiency to Deposit Account No. 50-3661.

Respectfully submitted,

/James F. Thompson/
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Attorney Docket No.: 1009-003

Dated: March 1, 2010